

To: The Honorable Mayor and City Council

From: Aleem A. Ghany, City Manager *AG*

Date: June 9, 2015

RE: **PROPOSED ORDINANCE AMENDING CHAPTER 5, OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES ENTITLED "BUILDING STANDARDS AND REGULATIONS", TO CREATE A NEW ARTICLE ENTITLED "RESIDENTIAL RENTAL LICENSE PROGRAM" REQUIRING A RESIDENTIAL RENTAL LICENSE FOR RENTAL OF PROPERTIES LOCATED IN THE CITY'S RESIDENTIAL ZONING DISTRICTS; PROVIDING FOR A RESIDENTIAL RENTAL LICENSE APPLICATION AND FEE; PROVIDING FOR RESIDENTIAL RENTAL REGULATIONS AND INSPECTIONS.**

RECOMMENDATION

That the Mayor and City Council pass and adopt the proposed ordinance to amend Chapter 5 of the North Miami Code of Ordinances entitled "Building Standards and Regulations," creating a new article entitled "Residential Rental License Program" requiring a residential rental license for rental of properties located in the city's residential zoning districts; providing for a residential rental license application and fee.

BACKGROUND

The rental of private homes in residential zoning districts has been identified as a community concern due to the potential for increased traffic, noise and density in single family residential neighborhoods if these uses are not properly regulated and the residents of such neighborhoods have a reasonable expectation of quiet, cleanliness, and order. It appears that there are widespread problems associated with the over-occupancy of rental housing, especially rental housing consisting of single-family houses converted to rental housing and this over-occupancy adversely impacts the City of North Miami residential neighborhoods through overcrowding, excessive traffic, demand for too much parking, noise, various nuisances and the diminution of the public welfare of the City's residential neighborhoods. The strain on infrastructure and reduced neighborhood cohesion that results from commercial use of low density residential neighborhoods has a detrimental impact on all members of the community.

ATTACHMENT(s)

Proposed Ordinance

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING CHAPTER 5, OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES ENTITLED "BUILDING STANDARDS AND REGULATIONS", TO CREATE A NEW ARTICLE ENTITLED "RESIDENTIAL RENTAL LICENSE PROGRAM" REQUIRING A RESIDENTIAL RENTAL LICENSE FOR RENTAL OF PROPERTIES LOCATED IN THE CITY'S RESIDENTIAL ZONING DISTRICTS; PROVIDING FOR A RESIDENTIAL RENTAL LICENSE APPLICATION AND FEE; PROVIDING FOR RESIDENTIAL RENTAL REGULATIONS AND INSPECTIONS; PROVIDING FOR REPEAL, CONFLICTS, SEVERABILITY, CODIFICATION AND FOR AN EFFECTIVE DATE.

WHEREAS, the rental of private homes in residential zoning districts has been identified as a community concern due to the potential for increased traffic, noise and density in single family residential neighborhoods if these uses are not properly regulated; and

WHEREAS, the residents of such neighborhoods have a reasonable expectation of quiet, cleanliness, and order; and

WHEREAS, it appears that there are widespread problems associated with the over-occupancy of rental housing, especially rental housing consisting of single-family houses converted to rental housing and this over-occupancy adversely impacts the City of North Miami ("City")'s residential neighborhoods through overcrowding, excessive traffic, demand for too much parking, noise, various nuisances and the diminution of the public welfare of the City's residential neighborhoods; and

WHEREAS, the strain on infrastructure and reduced neighborhood cohesion that results from commercial use of low density residential neighborhoods has a detrimental impact on all members of the community; and

WHEREAS, a program of inspection and certification of rental housing in residential zoning districts will improve the maintenance and appearance of rental housing property in the City and the level of compliance with the Minimum Housing Code, thereby promoting the health and safety of the residents of rental housing, the appearance of the City's residential neighborhoods and the preservation of residential property values; and

WHEREAS, the City has a substantial interest in maintaining the aesthetics, character and tranquility of its residential neighborhoods, as well as in regulating traffic flow; this ordinance directly advances these interests and is narrowly tailored to serve those interests; and

WHEREAS, this ordinance does not seek to regulate the duration or frequency of rental properties in violation of Section 509.32(7)(b) of the Florida Statutes; and

WHEREAS, the Mayor and City Council desire to amend the Code of Ordinances to clearly establish inspection guidelines and to allow for residential rental licenses to be issued for property rentals located in residential zoning districts.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, THAT:

Section 1. The Mayor and City Council of the City of North Miami, Florida, hereby amend Chapter 5, of the City of North Miami Code of Ordinances entitled “Building Standards and Regulations”, by creating a new Article VII, as follows:

CHAPTER 5. BUILDING STANDARDS AND REGULATIONS

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ARTICLE VII. RESIDENTIAL RENTAL LICENSE PROGRAM

Section 5-37. Purpose.

The intent in adopting this article is to establish reasonable and uniform regulations for the rental of properties in residential zoning districts that will protect the health, safety, property values and general welfare of the people, businesses and industries of the city and to ensure that residential rental units are maintained in a high quality manner as required of all residential properties in the city.

Section 5-38. Residential Rental Properties.

A residential rental unit is any dwelling located in a residential zoning district that is leased for commercial purposes, including any single-family home, multi-family dwelling (including condominium units), duplex, triplex, and quadraplex, or other similar unit. It does not include any dwelling unit that is owned by a federal, state, or local housing program or the federal Department of Housing and Urban Development, hotels, motels, public lodging establishments, as defined in Section 509.013, Florida Statutes, or any community residential facility licensed and inspected by the state of Florida.

Section 5-39. Definitions.

Immediate family means any individual who is a relative or legal dependent of the property owner, to include: spouse, children, step-children, parent, step-parent, foster parent, foster children, grandparent, brother, sister, father-in-law, mother-in-law, son-in-law, daughter-in-law, sister-in-law, brother-in-law or legal guardian.

Local point of contact means a person who resides or has a business location within a 50 miles radius of the subject property.

Residential dwelling unit means a single family residence, duplex or a multi-family dwelling unit located in a residential zoning district.

Rent means to lease, rent or allow a person or persons who are not a member of the property owner's family, to occupy a residential dwelling unit.

Rental inspector means any designated employee or agent of the city whose duty it is to enforce codes and ordinances enacted by the city.

Section 5-40. Residential Rental License Required.

Prior to the rental of any residential dwelling unit in the City of North Miami, the owner of the unit must obtain a Residential Rental License.

Section 5-41. Application for license.

On or before September 30 of each year, or at the time a residential dwelling unit is first offered for rent, an owner of a residential dwelling unit shall file a license application on an application form supplied by the city. Such application shall set forth the address of the rental property and a local point of contact for the rental property. A separate Residential Rental License is required for each tax parcel on which a rental residential dwelling unit is located. The owner of record shall notify the city within thirty (30) days when the local point of contact changes.

Section 5-42. Prohibition of rental without license.

It shall be unlawful for any property owner to rent any residential dwelling unit within a residential zoning district within the city without first obtaining a Residential Rental License as required by the provisions of this article.

Section 5-43. Residential zone rental standards.

In addition to compliance with all requirements of the Minimum Housing Code, rental residential dwelling units are also subject to the following additional standards:

- (a) Smoke and carbon monoxide (CO) detection system. If an interconnected and hard-wired smoke and carbon monoxide (CO) detection and notification system is not in place within the residential dwelling unit, then an interconnected, hard-wired smoke alarm and carbon monoxide (CO) alarm system shall be required to be installed and maintained on a continuing basis consistent with the requirements of the Florida Building Code.

- (b) Fire extinguisher. A portable, multi-purpose dry chemical fire extinguisher shall be installed, inspected and maintained on each floor/level of the residential dwelling unit.
- (c) Swimming pool, spa and hot tub safety. A swimming pool, spa or hot tub shall comply with the current standards of the Residential Swimming Pool Safety Act, Chapter 515, Florida Statutes.
- (d) Parking standard. Minimum off-street parking shall be provided as one space per three occupants or fraction thereof, plus one extra space for day guests. On-street parking shall not be permitted.
- (e) Solid waste handling and containment. Based on the maximum occupancy permitted, one trash storage container shall be provided per three occupants or fraction thereof. Appropriate screen and storage requirements for trash storage containers shall be incorporated in the residential rental license.
- (f) Compliance with regulations. No person shall allow occupancy or possession of all or any portion of a rental residential dwelling unit if the dwelling is in violation of any zoning, building, housing, density, life/safety, utility, public health/sanitary and fire codes or regulations.
- (g) Advertisements. Any advertisements, communication or marketing of residential dwelling units shall be for rental periods of more than three (3) months in compliance with Section 5-1610 of the City's Land Development Regulations.

Section 5-44. Initial and routine compliance inspections of residential rental units.

- (a) An inspection of the residential dwelling unit for compliance with this Chapter is required prior to issuance of an initial Residential Rental License. If violations are found, all violations must be corrected and the dwelling unit must be re-inspected prior to issuance of the residential rental license.
- (b) A residential dwelling unit must be properly maintained in accordance with the Minimum Housing Code, the City's Code of Ordinances and the residential zone rental standards herein.
- (c) Residential dwelling units shall re-inspected once every three (3) years by the City. For an inspection, all violations must be corrected and re-inspected within thirty (30) days, except life safety violations which must be corrected prior to the next rental period.

Section 5-45. Interior rental inspections for cause.

Nothing in this Ordinance shall prohibit the rental inspector from inspecting the interior of properties if he or she has probable cause, supported by a sworn affidavit, or by invitation of the tenant or property owner, to believe a health or safety violation exists.

Section 5-46. Emergency inspections and remediation.

- (a) Nothing in this article shall limit or supplant the power of the rental inspector under the Minimum Housing Code to placard and order the vacation of property which is so

damaged, decayed, dilapidated, unsanitary, unsafe or vermin-infested that it creates a serious hazard to the health or safety of the occupants or the public.

- (b) Nothing in this article limits the right of the city to abate or remediate such emergency or nuisance by any other lawful means or proceedings.

Section 5-47. Suspension of Residential Rental License.

In addition to any fines or other remedies described herein or provided for by law, the City may suspend a Residential Rental License for multiple code compliance or minimum housing code violations which are admitted or adjudicated in any continuous twelve (12) month period, in accordance with the following:

- (a) Upon a fourth code compliance or minimum housing code violation, the residential rental license shall be suspended for a period of thirty (30) days.
- (b) For each additional violation, the residential rental license shall be suspended for an additional thirty (30) days up to a maximum period of twelve (12) months.
- (c) For violations of any of the minimum life safety standards, suspension shall start immediately after three (3) working days following admission or adjudication of the violation if it is not corrected and re-inspected. Such suspension shall remain in place until corrected.

Section 5-48. Penalties.

Any person owning or operating a residential rental unit without first obtaining a Rental Regulatory License, shall be subject to fines and penalties in accordance with Chapter 21 of this Code as well as any other legal remedies available to the City in enforcing this article.

Section 5-49. Utility Accounts.

The City's water department shall require, prior to activating water and/or sewer accounts, that any applicant for service, other than the record owner of the property, provide a copy of the applicant's rental agreement. The water department shall then send notification to the code compliance division of the rental with the name of the tenant, property address and property owner. The code compliance division shall then ensure that the property owner has a residential rental license if the rental unit is located within the city's residential zones.

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Section 2. Repeal. All ordinances or parts of ordinances in conflict herewith are repealed.

Section 3. Conflicts. In the event that the provisions of this Ordinance are in conflict with any other ordinance, rule or regulation, the provisions of this Ordinance shall prevail.

Section 4. Severability. The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be

held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance, but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. **Codification.** It is the intention of the City Council of the City of North Miami and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of North Miami, Florida. The sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and the word "ordinance" may be changed to "section," "article" or any other appropriate word.

Section 6. **Effective Date.** This Ordinance shall become effective immediately upon adoption on second reading.

PASSED AND ADOPTED by a _____ vote of the Mayor and City Council of the City of North Miami, Florida, on first reading this _____ day of May, 2015.

PASSED AND ADOPTED by a _____ vote of the Mayor and City Council of the City of North Miami, Florida, on second reading this _____ day of May, 2015.

DR. SMITH JOSEPH
MAYOR

ATTEST:

MICHAEL A. ETIENNE, ESQ.
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

REGINE M. MONESTIME
CITY ATTORNEY

SPONSORED BY: VICE MAYOR CAROL KEYS, ESQ. AND COUNCILMAN GALVIN

Moved by: _____

Seconded by: _____

Vote:

Mayor Smith Joseph, DO
Vice Mayor Carol Keys, Esq.
Councilman Scott Galvin
Councilman Philippe Bien-Aime
Councilman Alix Desulme

_____	(Yes)	_____	(No)
_____	(Yes)	_____	(No)
_____	(Yes)	_____	(No)
_____	(Yes)	_____	(No)
_____	(Yes)	_____	(No)

Additions shown by underlining. Deletions shown by ~~overstriking~~.